

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Luis F. Ochoa

Docket No. 5:09-M-1982-1

Petition for Action on Probation

COMES NOW Audra V. Basaldu, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Luis F. Ochoa, who, upon an earlier plea of guilty to DWI-Level 5 in violation of 18 U.S.C. § 13 assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on April 6, 2010, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

On May 12, 2010, the court was advised that Mr. Ochoa was charged with Assault on a Female in Cumberland County, NC. Based on the nature of this offense, Mr. Ochoa was admitted to the VA hospital for mental health treatment. The court agreed to continue supervision due to the victim (his wife) agreeing to continue the relationship and his participation in treatment at the VA hospital.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 4, 2010, Mr. Ochoa received a citation for Driving While License Revoked (10CR9822) in Cumberland County, NC. The defendant admitted that he drove without a valid license on that date, explaining that he had to drive his wife to work, who is also unlicensed, and did not have an alternate method of transportation. As a sanction for these violations, we recommend the defendant be required to complete 48 hours of community service. Additionally, to assist Mr. Ochoa in obtaining employment or participating in vocational training, we are recommending that the conditions of supervision be modified to add special conditions pertaining to these services as well. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 48 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate in a vocational training program as directed by the probation office. Such program may include job readiness training and skills development training.
3. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
4. The offender shall participate in an educational services program as directed by the probation officer. Such program may include GED preparation, English as a Second Language classes, and other classes designed to improve the offender's proficiency in skills such as reading, writing, mathematics, or computer use.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Audra V. Basaldu
Audra V. Basaldu
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: July 14, 2010

ORDER OF COURT

Considered and ordered this 16 day of July, 2010, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge